IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

RSA.No. 1022 of 2003()

AS.399/2003 of DISTRICT COURT, THRISSUR
OS.372/1996 of ADDL.SUB COURT, IRINJALAKUDA
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APPELLANT/APPELLANT/DEFENDANT NO.6:

ALOOR SERVICE CO-OPERATIVE BANK LTD.
NO.693, ALOOR POST, KALLETTUMKARA, TRISSUR,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH

RESPONDENTS: RESPONDENTS/PLAINTIFF & DEFENDANTS 1 TO 6:
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1. ASHOK KUMAR,
S/O. CHENGINIKKETH PISHARATH THANKAMANI-
PISHARASSIAR, CHENGINIKKETH PISHARAM,ALOOR VILLAGE
POST ALOOR, MUKUNDAPURAM TALUK.

2. RAMAPISHARADI (DEAD),
S/O. MADATHIPISHARATH KAMALAM PISSARASSIAR,
MADATHIL PISHARAM, POST ALOOR,MUKUNDAPURAM TALUK.

3. SAROJINI PISHARASSIAR,
W/O. RAMAPISHARADI, MADATHIL PISHARAM,
POST ALOOR, MUKUNDAPURAM TALUK.

4. MINI, D/O. RAMAPISHARADI,
MADATHIL PISHARAM, POST ALOOR,MUKUNDAPURAM TALUK.

5. INDIRA PISHARASSIAR,
W/O. RAMAPISHARADI (FIRST WIFE),
KAILASAPURATH PISHARAM, KADATHURUTHI VILLAGE,
VAIKOM TALUK.

6. BALAKRISHNAN, S/O.INDIRA PISHARASSIAR,
KAILASAPURATH PISHARAM, KADATHURUTHI VILLAGE,
VAIKOM TALUK.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

R.S.A.No.1022 OF 2003 &
I.A.No.2481 OF 2006

Dated this the 13th day of December, 2006

JUDGMENT

The captioned interlocutory application is filed pointing out that the plaintiff is satisfied in so far as his case is concerned and does not intend to prosecute the matter further. It is pointed out that I.A.2624/03 was filed before the court of first instance to record the compromise. On verification through the office of this Court, it is reported by the court below that I.A.No.2624/03 was dismissed with liberty to file a fresh application in the same manner after the disposal of the second appeal.

2. The aforesaid facts show that the plaintiff no more intends to have the reliefs which have been granted to him because of the impugned decree. Under such circumstances, the impugned decree is vacated and the suit is dismissed on consent of the plaintiff through counsel and in view of I.A.2481/06.

I.A.2481/06 is allowed. The second appeal will stand disposed of by this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.